

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANDREW ROWE and LESLIE ROWE,

Plaintiffs,

v.

**SUNSWEET GROWERS, INC.,
GRAHAM PACKAGING, L.P., GRAHAM
PACKAGING COMPANY, INC.,
GRAHAM PACKAGING HOLDINGS
COMPANY, SILGAN WHITE CAP, LLC,
and JOHN DOES 1-20.,**

Defendants.

**GRAHAM PACKAGING COMPANY,
L.P., GRAHAM PACKAGING
COMPANY, INC., GRAHAM
PACKAGING HOLDINGS COMPANY,**

**Defendants/Third-Party
Plaintiffs,**

v.

SILGAN WHITE CAP,

Third-Party Defendant,

Civil Action No. 12-06619 (SDW)(MCA)

REPORT AND RECOMMENDATION

THIS MATTER comes before the Court by way of Plaintiffs Andrew Rowe and Leslie Rowe's ("Plaintiffs") motion seeking leave to file a Third Amended Complaint joining a non-diverse defendant and to remand this action, pursuant to 28 U.S.C. § 1447, to the New Jersey

Superior Court, Law Division, Essex County, (Dkt. No. 76-1); and Defendants Silgan White Cap, LLC (“Silgan”) and Defendant Sunsweet Growers, Inc. having opposed Plaintiffs’ motion, (Dkt. Nos. 81-82); and the Court having considered the papers submitted in support of and in opposition to the motion; and the Court having heard oral argument on December 19, 2013; and the Court having granted Plaintiffs’ Motion for leave to file a Third Amended Complaint (Dkt. No. 86); and for the reasons expressed on the record; and for good cause shown;

IT IS on this 6th day of January, 2014,

RECOMMENDED that Plaintiffs’ motion to remand this matter to the New Jersey Superior Court, Law Division, Essex County be **GRANTED**.

The parties have fourteen (14) days from the date hereof to file objections.

s/Madeline Cox Arleo
HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Susan D. Wigenton, U.S.D.J.
Clerk of the Court
All Parties
File